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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,263	02/25/2002	Vincent P. Vaccarelli	D/A2038	4221

7590 01/11/2005

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/083,263

**Applicant(s)**

VACCARELLI ET AL.

**Examiner**

James A. Kramer

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara et al in US Patent Number 6,564,227 (hereinafter '227) in view of Ludtke.

'227 teaches a customer support system in which a customer support center collects usage information and quality information on a customer device. The customer support center stores part or all of the information and uses the information for supporting the customer (column 4; line 61 – column 5; line 3). Examiner notes that the exemplary method described in this section does not specifically mention who the usage and quality data are collected, just that they are collected.

'227 further teaches that the customer support center remotely sets data which the customer device should transmit or the time at which the device should transmit (column 9; lines 34-36 also column 3; lines 20-25). Examiner notes that this feature represents automatically querying the customer at a predetermined time as to problems with goods. The data sent from the device represents receiving information from a customer to the query.

'227 also teaches when receiving fault information, the customer support center reports the matter to customer information system in charge of maintenance and/or management of the customer device (column 2; lines 31-34). Examiner notes this represents analyzing the response

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received from the customer, determining that a problem exists and transmitting to a problem solver.

'227 teaches the customer information system in charge of maintenance after confirming that a problem exists provides instructions for repair or manages progress of the state from the reception of the problem to restoration (e.g. column 4; lines 10-20). Examiner notes that this represents transmitting a solution to the customer.

Stated previously by Examiner, the exemplary method of '227 does not specifically detail how usage and quality data are collected. This includes collection via a user interface, including user interaction. Ludtke teaches a method and system for collecting data over a network to support customer support. Ludtke further teaches (reference figure 6 and column 12; lines 10-27) a system where a request for information regarding a network is received from an external source. The can come from a number of sources in a number of different manners. For example, the home AV network might receive the request from a manufacturing facility attempting to design a software patch. Ludtke further teaches that the request can be in the form of a user interface that requires user input (column 11; lines 1-9). Examiner notes that this is done in order to allow the user to provide information that is not automatically available.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of '227 include the user interactive interface of Ludtke in the collection of the usage and quality information. One would be motivated to combine the references as detailed in order to collect information that is not automatically available.

'227 does not teach sending a query to the user requesting verification that the problem has been solved. Examiner took Official Notice in the Office Action mailed 12/23/03 that it is

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old and well known in the art to send "follow-up" queries to customers in order to verify that the work performed was done to the customer's satisfaction. This old and well-know Official Notice statement is being treated as admitted prior art as it was not traversed by Applicant. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of '227 to schedule an additional query right after a fault has been handled in order to verify that the problem has been resolved to the customer's satisfaction.

'227 does not specifically mention querying the customer once a week or once a month. Examiner took Official Notice in the Office Action mailed on 12/23/03 that regular querying is old and well known in order to continuously monitor a customer's status. This old and well-know Official Notice statement is being treated as admitted prior art as it was not traversed by Applicant. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the customer support center of '227 to remotely sets date for querying to once a month or once a week to continuously monitor the status of the customer device.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
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